

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

ePLUS Inc.,)	
)	
Plaintiff,)	Civil Action No. 3:09-CV-620 (REP)
)	
v.)	
)	
LAWSON SOFTWARE, INC.,)	
)	
)	
Defendant.)	

**DECLARATION OF DAVID M. YOUNG, ESQ., IN SUPPORT OF PLAINTIFF ePLUS,
INC.'S MOTION TO STRIKE PORTIONS OF DEFENDANT'S EXPERT REPORT AND
EXCLUDE FROM TRIAL ALLEGED PRIOR ART AND INVALIDITY ARGUMENTS
NOT DISCLOSED IN DEFENDANT'S COURT-ORDERED INVALIDITY
CONTENTIONS**

Henry I. Willett, III (VSB #44655)
Craig T. Merritt (VSB# 20281)
CHRISTIAN & BARTON, L.L.P.
909 East Main Street, Suite 1200
Richmond, VA 23219
Telephone: (804) 697-4100
Facsimile: (804) 697-4112
hwillett@cblaw.com

Counsel for Plaintiff, ePlus Inc.

Jennifer A. Albert (*admitted pro hac vice*)
Scott L. Robertson (*admitted pro hac vice*)
David M. Young (VSB #35997)
GOODWIN PROCTER LLP
901 New York Avenue, NW
Washington, DC 20001
(202) 346-4000

Michael G. Strapp (*admitted pro hac vice*)
James D. Clements (*admitted pro hac vice*)
GOODWIN PROCTER LLP
Exchange Place
53 State Street
Boston, MA 02109-2881
(617) 570-1000

I, David M. Young, declare as follows:

1. I am an attorney at Goodwin Procter LLP, counsel for Plaintiff *ePlus Inc.* in this action. I submit this declaration in support of Plaintiff *ePlus Inc.*'s Motion to Strike Portions of Defendant's Expert Report and Exclude from Trial Alleged Prior Art and Invalidity Arguments Not Disclosed in Defendant's Court-Ordered Invalidity Contentions.

2. I have personal knowledge of the facts stated herein and, if called as a witness, could and would testify competently hereto.

3. Attached hereto as Exhibit A is a true and accurate copy of the Scheduling Order and Pretrial Schedule A filed with the Court on November 18, 2009.

4. Attached hereto as Exhibit B is a true and accurate copy of excerpts from the Transcript of the Pretrial Conference conducted on November 13, 2009.

5. Attached hereto as Exhibit C is a true and accurate copy of excerpts from the Transcript of the Conference Call conducted on March 26, 2010.

6. Attached hereto as Exhibit D is a true and accurate copy of excerpts from Defendant Lawson Software, Inc.'s Second Supplemental Initial Statement of Invalidity Defenses, dated April 9, 2010.

7. Attached hereto as Exhibit E is a true and accurate copy of excerpts from the Transcript of the Conference Call conducted on April 29, 2010.

8. Attached hereto as Exhibit F is a true and accurate copy of excerpts from the (Corrected) Report of Expert Michael I. Shamos, Ph.D., J.D. Concerning Invalidity, dated May 7, 2010.

9. Attached hereto as Exhibit G is a true and accurate copy of this Court's Order of March 29, 2010.

10. Attached hereto as Exhibit H is a true and accurate copy of a document prepared by counsel for ePlus entitled “Excerpts from Shamos Claim Charts Identifying Citations to New References.”

11. Attached hereto as Exhibit I is a true and accurate copy a letter from counsel for Lawson Software to counsel for ePlus, dated May 7, 2010.

I declare under penalty of perjury that the foregoing is true and correct. Executed at Washington, D.C., this 14th day of May, 2010.

_____/s/_____
David M. Young
Virginia State Bar. No. 35997
Counsel for Plaintiff ePlus, Inc.
GOODWIN PROCTER, LLP
901 New York Avenue, N.W.
Washington, DC 20001
Telephone: (202) 346-4257
Facsimile: (202) 346-4444
dyoung@goodwinprocter.com

CERTIFICATE OF SERVICE

I hereby certify that on the 14th of May, 2010, the foregoing

**DECLARATION OF DAVID M. YOUNG, ESQ., IN SUPPORT OF PLAINTIFF ePLUS,
INC.'S MOTION TO STRIKE PORTIONS OF DEFENDANT'S EXPERT REPORT AND
EXCLUDE FROM TRIAL ALLEGED PRIOR ART AND INVALIDITY ARGUMENTS
NOT DISCLOSED IN DEFENDANT'S COURT-ORDERED INVALIDITY
CONTENTIONS**

was electronically filed with the Clerk of the Court using the CM/EFC system, which will then send a notification of such filing (NEF) to the following. Copies of the foregoing were also transmitted *via electronic mail* to the following:

Daniel W. McDonald, *pro hac vice*
William D. Schultz, *pro hac vice*
Rachel C. Hughey, *pro hac vice*
Joshua P. Graham, *pro hac vice*
Andrew Lagatta, *pro hac vice*
Merchant & Gould P.C.
3200 IDS Center
80 South 8th Street
Minneapolis, MN 55402-2215
Lawsonservice@merchantgould.com

Robert A. Angle (VSB# 37691)
Dabney J. Carr, IV (VSB #28679)
Troutman Sanders LLP
P.O. Box 1122
Richmond, VA 23218-1122
Telephone: (804) 697-1238
Facsimile: (804) 698-5119
robert.angle@troutmansanders.com
dabney.carr@troutmansanders.com

Counsel for Defendant Lawson Software, Inc.

/s/

Craig T. Merritt (VSB #20281)
Counsel for Plaintiff ePlus, Inc.
CHRISTIAN & BARTON, LLP
909 East Main Street, Suite 1200
Richmond, Virginia 23219-3095
Telephone: (804) 697-4100
Facsimile: (804) 697-4112
cmerritt@cblaw.com